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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 THOMAS OATES,

7 Plaintiff,

8 v.

9 NAPHCARE/MEDICAL,

10 Defendant.  
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Case No. 2:18-cv-01606-MMD-CWH

**ORDER**

12 **I. DISCUSSION**

13 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections  
14 (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1).  
15 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in*  
16 *forma pauperis*.

17 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an  
18 application to proceed *in forma pauperis* and attach both an inmate account statement for the past  
19 six months and a properly executed financial certificate. The Court will retain Plaintiff’s civil  
20 rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee  
21 is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in forma*  
22 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an  
23 application to proceed *in forma pauperis* he must file a fully complete application to proceed *in*  
24 *forma pauperis*, including the required attachments.

25 **II. CONCLUSION**

26 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND  
27 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the  
28 document entitled information and instructions for filing an *in forma pauperis* application.

1 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,  
2 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the  
3 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2)  
4 pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50  
5 administrative fee).

6 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,  
7 dismissal of this action may result.

8 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF  
9 No. 1-1), but shall not file it at this time.

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11 DATED: August 29, 2018

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14 C.W. HOFFMAN, JR.  
15 UNITED STATES MAGISTRATE JUDGE  
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